

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

THE CHAMBERLAIN GROUP, INC.

Plaintiff,

v.

OVERHEAD DOOR CORPORATION, ET  
AL.

Defendant.

Case No. 2:21-CV-0084-JRG

JURY TRIAL DEMANDED

**UNOPPOSED MOTION TO EXCUSE LEAD COUNSEL FROM JULY 5, 2022  
MOTIONS HEARING**

The Court has set a hearing on [405] Sealed Motion to Compel Production of Documents and Written Discovery, [401] Sealed Motion Partially Opposed Motion for Leave to Amend its P.R. 3-1 And P.R. 3-2 Patent Initial Disclosures Under P.R. 3-6(b), [396] Sealed Patent Motion to Compel Waived Communications, Testimony Regarding Waived Communications, and a Response to Interrogatory No. 6, and [410] Sealed Motion to Compel a Response to Interrogatory No. 8 and Associated Document Production on July 5, 2022. Pursuant to Judge Gilstrap's Standing Order Regarding "Meet and Confer" Obligations Relating to Discovery Disputes dated March 11, 2020, "each party's lead attorney shall attend any discovery motion hearing set by the Court." Benjamin Charles Elacqua, lead counsel for Plaintiff, is unable to attend due to already booked and paid travel out of the country from July 3-13 and out of the state from July 14-18.

Plaintiff respectfully requests that the Court excuse Mr. Elacqua's presence from the discovery hearing and requests that Betty Chen be allowed to act as lead counsel with decision making authority at the hearing in place of lead counsel, or in the alternative, reschedule the motions hearing at the Court's convenience. Counsel for Defendants do not oppose this request.

Accordingly, Plaintiff moves the Court to enter the attached order excusing Mr. Elacqua from the July 5, 2022 hearing.

Date: June 23, 2022

Respectfully submitted,

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**COUNSEL FOR PLAINTIFF THE  
CHAMBERLAIN GROUP LLC**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of the foregoing document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on June 23, 2022.

*/s/ Benjamin C. Elacqua*

**CERTIFICATE OF CONFERENCE**

I hereby certify that Counsel for Plaintiff and Counsel for Defendant have complied with the meet and confer requirement in Local Rule CV-7(h) regarding this Motion by conferring via e-mail on June 22, 2022. Counsel for Defendants indicated Defendants are unopposed to the relief sought herein.

*/s/ Benjamin C. Elacqua*